

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Patent Application of:
Toshiharu Nogi et al.

Reissue of U.S. Patent No. 5,894,832

Application No.: 09/839,837

Confirmation No.: 5189

Filed: April 20, 2001

Art Unit: 3747

For: COLD START ENGINE CONTROL
APPARATUS AND METHOD

Examiner: J. H. Hoang

SUPPLEMENTAL DECLARATION

Toshiharu Nogi and Frank W. Hunt, collectively referred to as Applicants, declare as follows:

1. Frank W. Hunt declares that he is a United States citizen and resides at 7564 Lilac Court, West Bloomfield, Michigan 48324.

2. Toshiharu Nogi declares that he is a citizen of Japan and resides at 1458-437 Tarazaki, Hitachinaka-shi, Ibaraki-ken, Japan, 312-0003.

3. Applicants are the co-inventors of U.S. Patent No. 5,894,832, issued April 20, 1999 and entitled "Cold Start Engine Control Apparatus and Method."

4. Applicants believe the original patent to be partly or wholly inoperative or invalid by reason of the patentee claiming less than we had a right to claim in the patent. One specific error is that all three independent method claims, namely claims 14, 25 and 31, require the step of "initiating power to the heater for a period of time before the engine is started". This is an unnecessary limitation and constitutes an error in claiming less than we had a right to claim. This unnecessary limitation has been omitted from new independent claims 86 and 97.

5. The error in claiming less than the patentee had a right to claim arose through error. This error occurred through inadequate communication between Applicants and their patent attorney during the original prosecution of the patent application resulting in the original patent. Specifically, Applicants failed to adequately communicate with their patent attorney during the original prosecution of this patent as to the important features of the invention now set forth in the newly submitted patent claims.

6. All errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on the part of the Applicants.

7. Applicants have reviewed and understand the contents of the specification of this reissue patent application, Serial No. 09/839,837, filed April 20, 2001, including the claims, as amended by any amendment specifically referred to the oath/declaration.

8. Applicants believe the named inventors to be the original and the first inventors of the subject matter which is claimed and for which a reissue patent is sought.

9. Applicants acknowledge the duty to disclose to the Patent Office all information known to the Applicants to be material to patentability as defined in 37 CFR 1.56.

10. Every error in the patent which was corrected in the present reissue application and is not covered by the prior declaration submitted in this application arose without any deceptive intention on the part of the Applicants.

We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by

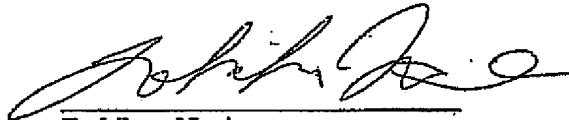
Application No.: 09/839,837
Supplemental Declaration

3

Docket No.: HAL-11380/04

fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date 6/22/09


Toshiharu Nogi

Date 6/22/09


Frank W. Hunt